

OCT 27 2005

IBM Docket No. RSW920030195US1

In the United States Patent and Trademark Office

Date: October 27, 2005

Serial Nbr: 10/666,703

In re Application of: James M. Mathewson II et al.

Filed: September 19, 2003

For: Using Radio Frequency Identification with Transaction-Specific
Correlator Values Written on Transaction Receipts to Detect and/or
Prevent Theft and Shoplifting

Art Unit: 2636

Examiner: Eric Blount

**Terminal Disclaimer to Obviate a Provisional Double Patenting
Rejection Over a Pending Second Application**


The owner, International Business Machines Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/666,700, filed September 19, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or is terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Account 09-0461 the sum of \$130.00. A duplicate of this disclaimer is attached.

Respectfully submitted,

Marcia L. Doubet, Attorney of Record
Reg. No. 40,999

Phone: 407-343-7586; Fax: 407-343-7587

S/N 10/666,703